

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Clark R. MacKenzie, Petitioner, hereby petition for a Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve, interpret Section 248.1 of the Zoning Regulations as including a BANK as a permitted use in a M.L.R. Zone. Particular attention is directed to Bill No. 139, 1962, amending Bill No. 56, 1961.

APR 1972
DISTRICT 9
TYPE
HEARD BY
BY

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Kenilwest Limited Partnership
Legal Owner
Address: 1001 Falls Road
Baltimore, Maryland 21204
Petitioner's Attorney
Address: 35 W. Chesapeake Avenue
Towson, Maryland 21204

ORDERED By the Zoning Commissioner of Baltimore County, this 24th day of July, 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of September, 1972, at 10:00 o'clock A.M.

William Hammond
Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 14, 1979

COUNTY OFFICE BLDG.
113 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 17
Petitioner - Kenilwest Limited Partnership
Special Hearing Petition

Dear Mr. Alderman:

This Special Hearing originates as a result of a conflict which currently exists in the Baltimore County Zoning Regulations. In accordance with Section 248.1, all uses permitted in a Manufacturing, Restricted (M.R.) Zone, are permitted as a matter of right in a Manufacturing, Light, Restricted (M.L.R.) Zone. When you refer to the M.R. use regulations, it states under Section 241.1, that a bank is permitted as a matter of right in this zone. However, Section 248.4b states that a bank is permitted only as a Special Exception in a M.L.R. Zone. This office has been aware of this conflict and it has always been the position of the Zoning Commissioner that the stricter of the two regulations would take precedence; i.e., a bank would only be permitted in an M.L.R. Zone as a Special Exception.

Because you differ with this interpretation, this Special Hearing is now being requested in order that this matter may be resolved. Since site plans were not filed with this Petition and the hearing is for an interpretation of the Zoning Regulations, comments from the Committee were not submitted.

This Petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

ENCLOSURE



September 13, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #17, Zoning Advisory Committee Meeting, July 24, 1979, are as follows:

Property Owner: Kenilwest Limited Partnership
Location: No plats submitted
Existing Zoning: No plats submitted
Proposed Zoning: Special Hearing to interpret Sect. 248.1 of the Zoning Regulations as including a bank as a permitted use in M.L.R. zone. Particular attention is directed to Bill No. 139, 1962, amending Bill No. 56, 1961.
Acres: no plat submitted
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas B. Commodari Date: July 23, 1979
Zoning Advisory Committee
FROM: Sharon M. Caplan
Industrial Development Commission
SUBJECT: Item No. 17 - Property Owner: Kenilwest Limited Partnership
Location: No plats submitted
Existing Zoning: No plats submitted
Proposed Zoning: Special Hearing to interpret Sect. 248.1 of the Zoning Regulations as including a bank as a permitted use in M.L.R. zone. Particular attention is directed to Bill No. 139, 1962, amending Bill No. 56, 1961

In recognition of Baltimore County's desire to foster a healthy economic growth, we request the Zoning Officer to evaluate the above request in the best interest of industrial expansion.

Sharon Caplan
SHARON CAPLAN

SC:pk

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: August 13, 1979
FROM: Ted Burnham
Zoning Advisory Committee
SUBJECT: Meeting of July 24, 1979

ITEM NO. 13 Standard Comment
ITEM NO. 14 See Comment
ITEM NO. 15 See Comment
ITEM NO. 16 Standard Comment
ITEM NO. 17 No Comment
ITEM NO. 18 See Comment and referral to Mr. Joseph Nolan
ITEM NO. 19 Standard Comment
ITEM NO. 20 Standard Comment
ITEM NO. 223 Revised - See Comments

Charles P. Burnham
Ted Burnham, Chief
Plans Review

TB:rrj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond Date: August 10, 1979
Office of Planning and Zoning
FROM: Captain Joseph Kelly
Fire Prevention Bureau
SUBJECT: Zoning Advisory Committee Meeting of July 24, 1979
Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

ITEM # 13 Property Owner: Paul R. Scher & Jackie Shuman
Location: S/E corner Ridge Valley Dr. & Falling Brook Ct.
No Comments
ITEM # 15 Property Owner: Charles C. & Linda A. Neal
Location: S/S Anthony Avenue 150' E. of Vincent Avenue
No Comments
ITEM # 17 Property Owner: Kenilwest Limited Partnership
Location: No plats submitted
No Comments
ITEM # 18 Property Owner: William J. Franklin, Jr.
Location: S/S Cockeys Mill Road, 3150' W. of Reisterstown Road
No Comments
ITEM # 19 Property Owner: Stephen Jeffrey Britt
Location: N/W Corner Ridge Avenue & Carroll Avenue
No Comments

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 18, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: July 24, 1979

RE: Item No: 13, 14, 15, 16, 17, 18, 19, 20
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrowski
W. Nick Petrowski
Field Representative

WNP/bp

JOSEPH H. MCGOWAN, CHAIRMAN
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BUTSARIS

THOMAS M. BOYER
MRS. LORRAINE F. CHICUS
ROGER D. MAYDEU

ALVIN LORICK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACY, DVM.

Junk Yard;

Kennel;

Oil refinery;

Organic fertilizer manufacture;

Shooting range;

Signs, outdoor advertising (see Section 413.3);

Slaughterhouse;

Trailer Park (see Section 414);

Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception); provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

256.5—Within 150 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 150 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, there shall be permitted only passenger-automobile parking and those uses permitted in M.R. Zone, as limited by the use regulations in Section 241, except that mineral aggregate excavated on-site may remain or be placed within 50 feet of such boundary or right of way, regardless of any requirements for greater distance.

Section 258—AREA REGULATIONS

258.1—The area regulations in M.H. Zone shall be the same as those in B.R. Zone, unless such B.R. Zone regulations conflict with the provisions of Section 258.2.

258.2—Within 150 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 150 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, the front, side, and rear yards shall be as required in M.R. Zone. (See Subsections 243.1, 243.2, and 243.3.)

SECTION 4. *And be it further enacted*, That Section 270 be and it is hereby amended by deleting the entries for "Heliport" and "Kennel" and by adding thereto in alphabetical order the following:

	(R.6)	(R.20)	(R.10)	(R.40)	(R.A.)	(H.L.)	(H.M.)	(H.R.)	(M.L.)	(M.H.)	(M.R.)
Animal boarding place, Class A.....	-	S.E.	S.E.	S.E.	x	x	S.E.	-	-	-	x
Animal boarding place, Class B.....	S.E.	S.E.	S.E.	x	x	x	x	-	-	-	x
Antique shop.....	S.E.	x	x	S.E.	x	x	-	-	-	-	x
Heliport Type I.....	x	x	x	x	x	x	S.E.	S.E.	-	-	-
Heliport Type II.....	x	x	x	x	x	S.E.	S.E.	S.E.	-	-	S.E.
Helistop.....	S.E.	S.E.	S.E.	S.E.	S.E.	-	-	-	-	-	-
Kennel.....	-	S.E.	S.E.	S.E.	x	x	x	-	S.E.	S.E.	x
Pet Shop.....	x	x	x	x	x	-	-	-	x	x	x
Residential art salon.....	S.E.	x	x	S.E.	x	-	-	-	x	x	x
Veterinarian's office.....	S.E.	S.E.	S.E.	S.E.	x	-	-	-	-	-	x
Veterinarian.....	S.E.	S.E.	S.E.	S.E.	x	-	-	-	-	-	x

SECTION 5. *And be it further enacted*, That Article 4 be and it is hereby amended by adding new Sections 402B and 402C, immediately following Section 402.4, as follows:

Section 402B—ANTIQUE SHOPS

An antique shop may be permitted as a Special Exception in an R.6 or R.40 Zone only outside the Metropolitan District on a lot not less than one acre in size, provided further that:

- There shall be no display of merchandise visible from any public street; and
- One sign in addition to those permitted under Section 413.1 may be displayed. Such sign shall be limited to the name of the business, shall be single-faced, stationary, and non-illuminated, and shall not exceed five square feet in area.

Section 402C—RESIDENTIAL ART SALON

A residential art salon may be permitted as a Special Exception in an R.6 or R.40 Zone only outside the Metropolitan District on a lot not less than one acre in size, provided that:

- There shall be no display of merchandise visible from any public street;
- One sign in addition to those permitted under Section 413.1 may be displayed. Such sign shall be limited to the name of the establishment or its proprietor, shall be single-faced, stationary, and non-illuminated, and shall not exceed 5 square feet in area;
- Offstreet parking spaces shall be as provided in Section 409, except that irrespective of any conflicting provisions of Section 409, there shall be offstreet parking for at least ten cars (screened so as not to be visible from any public street); and
- Hours of operation shall be not earlier than 10:00 A.M. and not later than 10:00 P.M. daily.

SECTION 6. *And be it further enacted*, that Section 404 be and it is hereby repealed and re-enacted with amendments as follows:

Section 404—FARM AND LIMITED-ACREAGE WHOLESALE FLOWER FARM

404.1—Limited acreage wholesale flower farms shall be subject to the following requirements:

- a. Internal roadways shall be located at least 25 feet from any property line other than a street right-of-way line;
- b. Greenhouses, potting sheds, and accessory structures shall be located at least 50 feet from any property line, including any right-of-way line;
- c. Loading or unloading of vehicles shall take place at least 100 feet from any property line other than a right-of-way line, and at least 50 feet from a right-of-way line, except that loading or unloading of vehicles may take place between 75 and 100 feet from any property line when there is a structure between the location where such activities take place and the property line involved, which structure screens such activities from view at the property line and except that such activities may take place up to 50 feet from any property line where such activities are carried on entirely within an enclosed structure specified in Section 404.1.b above.

404.2—All accessory buildings except farmers' roadside stands shall be governed by the same area requirements as those applicable to a principal building in the zone in which the farm is located.

404.3—Commercial reduction of inedible animal or vegetable matter and commercial slaughtering, except killing of poultry produced on the premises, are prohibited.

404.4—Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of land zoned or used for residential purposes.

404.5—Manure must be stored in places removed at least 150 feet from all boundary lines of the lot.

404.6—Farmers' roadside stands must be set back at least 35 feet from the nearer edge of the street pavement.

SECTION 7. *And be it further enacted*, That Article 4 be and it is hereby amended by adding new Sections 420 and 421, immediately following Section 419, as follows:

Section 420—HELICOPTER OPERATIONS

420.1—Notwithstanding other provisions of these regulations to the contrary, certain helicopter operations shall be permitted as provided under this Section 420.

420.2—Temporary use may be made of an area for helicopter flights for promotional activities, providing that such area shall be at least 500 feet from any occupied residence and that use permits shall be first procured from the Director of Public Safety and the Zoning Commissioner and that such permits shall be limited as to time as specified by the Zoning Commissioner.

420.3—Helicopters may be used to move equipment and supplies at construction sites, provided that a permit for such use is first obtained from the Director of Public Safety.

420.4—Helicopters may make landings on public utility rights of way and, with the owners' consent, on land adjacent thereto for purposes of inspection or repairs of public utility facilities.

420.5—No special exception shall be required to permit either a Type I or Type II heliport if such use is located: at least 1000 feet from any property line; in an R.6 or R.40 Zone; and beyond the urban-rural demarcation line.

420.6—Any helicopter operation caused by emergency is permitted at any time in any zone, in accordance with current regulations of the Federal Aviation Agency.

Section 421—ANIMAL BOARDING PLACE, KENNEL, PET SHOP, VETERINARIAN'S OFFICE, VETERINARIUM

421.1—Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line.

421.2—Where an animal boarding place, kennel, or pet shop is allowed in a business or industrial zone, either as a Special Exception or as a permitted use, no part of such use shall be located within 200 feet of the nearest residential zone.

421.3—Where a veterinarian's office or a veterinarium is allowed in a residential zone as a Special Exception, it shall be located only on a lot having an area of two acres or more, and no part of any such use shall be located within 100 feet of the nearest property line.

SECTION 8. *And be it further enacted*, That subsection 502.3 be and it is hereby repealed and re-enacted with amendments as follows:

ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
Kenilwest Limited Partnership - ZONING COMMISSIONER
Petitioner :
NO. 80-88-SPH (Item No. 17) : OF
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as the result of a Petition for Special Hearing filed by Kenilwest Limited Partnership, owner of a tract or parcel of land less than twenty-five acres in area and not part of a contiguous area of twenty-five acres or more of industrial zoning, in the Ninth Election District of Baltimore County. The specific request is not proposed to demonstrably provide an appropriate service to industries existing, either planned or normally expected to be located within a contiguous twenty-five acres, but seeks an interpretation that a "bank" is a permitted use in an M.L.R. Zone.

The arguments presented by counsel for the Petitioner are predicated upon the interpretation and application of various sections of the Baltimore County Zoning Regulations concerning M.R. and M.L.R. Zones.

Since the zoning involved is M.L.R., which includes "bank" as a specific use permitted therein only as a special exception, and because Section 248.1 of the M.L.R. regulations incorporates, as uses permitted in the M.R. Zone, "bank" as a matter of right, it becomes necessary to follow the legislative history of both the M.R. and M.L.R. Zones.

The M.R. Zone classification was first adopted in 1955 when the then existing Zoning Regulations were completely revised and updated. As a result, it was then, and still is, the most restrictive of all zoning classifications in that a public hearing is required before any M.R. zoned site is improved and/or changed in use thereafter, thereby eliminating the need for uses by special exception and, therefore, is unique to the M.R. Zone.

ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

When the County Council created the M.L.R. Zone by enactment of Bill No. 56 (1961), a "bank", not a permitted use in an M.R. Zone, was subject to the special exception procedure under Section 248.4.b.:

"The following commercial uses, when within an M.L.R. Zone which is part of a contiguous area of 25 acres or more of industrial zoning and if the specific use proposed is demonstrably an appropriate service to industries existing, planned or normally to be expected to locate therein; and in no case shall the combined tract areas developed for one or more of these service commercial uses occupy more than 15% of M.L.R. tract in which they are located:

Bank;
Business and trade schools;
Motel;
Public Restaurant, but food may be served and eaten on the premises only by persons seated at inside tables or counters; it may not be served to persons remaining in cars."

In September, 1962, the County Council enacted Bill No. 139 to amend Section 241.1 to include "bank" as a permitted use in the M.R. Zone.

The next legislative change occurred in 1967 when the County Council enacted Bill No. 85. It is in this enactment that some rather significant changes occurred and so, for the purpose of this Order, these changes will be set forth in order of their significance:

Section 241.1 (M.R. Zone)—"The following uses are permitted, provided their operations are entirely within enclosed buildings except where approval of the development plan indicates otherwise:

Assembly of electrical appliances...;
Bakery;
Bank;
Bottling establishment, soft drink;
Cold storage plant;
Heliport, Type II, if located at least 200 feet from a residential zone;
Helistop;
..."

Section 248.1 (M.L.R. Zone)—"Uses permitted in the M.R. Zone, except Heliport, Type II, which may be permitted only as a Special Exception;"

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Therefore, for the reasons set forth above, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of May, 1980, that a "bank" is a permitted use in an M.L.R. Zone, unfettered by the limitations imposed by Section 248.4.b.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

the realities of the existing uses contained within the above referred area of Kenilworth Drive, it is difficult for this Commissioner to totally equate each with the other as to compatibility; however, such was the legislative prerogative exercised by the adoption of the 1976 Comprehensive Zoning Maps.

In applying general principles of statutory construction, the case law has consistently held that all provisions of a law should be read together and given equal effect so that no word is rendered surplusage or meaningless. Also, it is well settled that a statute should not be construed to lead to an unreasonable or illogical result; instead, it is mandatory to ascertain and carry out the real legislative intention. To do so in any specific instance, it must be recognized that the enacting body is presumed to have full knowledge and information as to the prior, as well as the existing, law on the subject of a statute it has enacted.

Prior to 1962, when Bill No. 139 was enacted, application of the principles of statutory construction was unnecessary since location of a "bank" in the M.L.R. Zone was subject to the requirements established for a special exception. Subsequently, however, the question arose as to whether or not a "free-standing bank" was a permitted use or the subject of a special exception with the attendant conditions set forth in Section 248.4.b.

Keeping in mind that the enacting body had full knowledge and information as to the prior and existing law applicable to M.R. and M.L.R. Zones, it must, therefore, follow that, when it enacted Bill No. 85 (1967) and specifically excluded "Heliport, Type II", as a permitted use in the M.L.R. Zone, permitted by reason of inclusion in the M.R. Zone, it intended not to continue the "bank" use as a special exception. This would seem to be substantiated by application of the principle of law that the latest enactment (Bill No. 85, 1967) repealed, to the extent of any inconsistency, the language contained in Bill No. 56 requiring a special exception for a "bank" in the M.L.R. Zone.

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ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
for a Bank in an M.L.R. Zone
9th District : OF BALTIMORE COUNTY
Kenilwest Limited Partnership, : Case No. 80-88-SPH
Petitioner

ORDER

Upon the foregoing Motion by the People's Counsel for Baltimore County, the Board having noted that there are no other Appellants of record in said case, it is, this 10th day of December, 1980, by the County Board of Appeals for Baltimore County, ORDERED that the foregoing Appeal of the People's Counsel for Baltimore County herein be and it is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature]
Walter A. Reiter, Jr., Chairman

[Signature]
William T. Hackett

[Signature]
Patricia Millhouse

Notwithstanding the language of Section 248.1, as cited above, the requirements of the special exception for "bank" remained in the Zoning Regulations (Section 248.4.b.).

These latest amendments clearly establish a conflict as to whether or not a "bank" use is permitted in an M.L.R. Zone by special exception or as a matter of right. The Petitioner's contention is that by adding the words "except Heliport, Type II", the legislators clearly indicated that the uses to be permitted as a matter of right in the M.L.R. Zone were not to include a heliport, Type II, even though it is now listed as a permitted use in the M.R. Zone. The Petitioner further contends that it logically follows that if the legislators had not intended a "bank" to be permitted as a matter of right in the M.L.R. Zone they would have added similar wording to Section 248.1, to wit, "except that a bank may be permitted only by Special Exception".

After reviewing the Petitioner's testimony (there were no Protestants present at the hearing), one must agree that the Petitioner has raised several valid points. However, in arriving at a decision, one must also consider the format of both the M.R. and M.L.R. regulations. All uses listed in the M.R. regulations are, in effect, special exception uses; i.e., a public hearing is required before any such use can be established within an M.R. Zone; however, one must also consider that the four commercial uses listed under Section 248.4.b. represent a prominent part of the special exception uses and, as such, would be difficult to overlook when making such revisions.

Assuming a particular site meets all of the other requirements of the M.L.R. Zone, to wit, height and area regulations (Sections 249 and 250) and the subdivision and site development plans (Sections 251 and 252), to the extent of applicability, the question raised by this Petition, simply stated, is whether or not a "bank" is a permitted use in an M.L.R. Zone and, therefore, not subject to the limitations imposed by Section 248.4.b.

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ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS
for a Bank in an M.L.R. Zone
9th District : OF BALTIMORE COUNTY
Kenilwest Limited Partnership, : Case No. 80-88-SPH
Petitioner

MOTION FOR DISMISSAL

To the Honorable, Members of Said Board:

The Motion of the People's Counsel for Baltimore County respectfully represents that a further review of the above-entitled case has produced the conclusion that the public interest no longer requires prosecution of this appeal.

WHEREFORE, it is respectfully requested that the Board by its appropriate Order dismiss said Appeal.

AND AS IN DUTY BOUND, etc.,

[Signature]
John W. Hession, III
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of December, 1980, a copy of the foregoing Motion for Dismissal and proposed Order was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, 305 W. Chesapeake Avenue, Towson, Maryland 21204; and Mr. Gerard Wit, The Berkshire Corporation, Suite 322, The Quadrangle, Village of Cross Keys, Baltimore, Maryland 21210.

[Signature]
Peter Max Zimmerman

A review of Section 248.4.b. appears clearly to apply to only those tracts or parcels of land that equal or exceed twenty-five acres of itself or by reason of its contiguous nature to other tracts or parcels of industrially zoned land where the proposed specific use is demonstrably an appropriate service to industries existing, either planned or normally expected to be located therein, and will not occupy more than fifteen percent of the M.L.R. tract in which it is to be located. To the extent that the subject property does not meet the requirements of Section 248.4, a special exception is not available, but if, as the Petitioner's counsel contends, a "bank" is a permitted use in the M.L.R. Zone than a special exception is not required.

In an attempt to relate all of these Sections of the Zoning Regulations as "planning tools" and, therefore, dependant upon each other, the purposes of both the M.R. and M.L.R. Zones should be considered. Accordingly, Section 240.1 indicates that the M.R. Zone was established "In order to provide greater flexibility in the selection of industrial areas, to assure effective control over the location, type, and arrangement of industrial uses, so as to protect the uses in neighboring residential zones..."; whereas, Section 247 indicates that the M.L.R. Zone was created "To permit grouping of high type of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary motorways so as to minimize the use of residential streets; to fill special locational needs of certain types of light industry; to permit planned dispersal of industrial employment centers so as to be conveniently and satisfactorily related to residential communities; and as transitional bands between residential or institutional areas and M.L. or M.H. Zones".

A review of the 1976 Comprehensive Zoning Maps discloses that Kenilworth Drive, from the headquarters building of the Baltimore County Police Department west to Charles Street, contains parcels zoned D.R.5.5, D.R.16, B.M., and M.L.R. In applying the avowed purposes of the M.L.R. Zone to

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ORDER RECEIVED FOR FILING

DATE May 6, 1980
BY [Signature]

502.3—A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any Special Exception, shall fix within the foregoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a Special Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A Special Exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a Special Exception in effect on or after July 1, 1965 cannot be utilized within the MAXIMUM allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner, upon written recommendation by both the Director of Public Works and the Director of Planning, may extend such time to a date not more than six months after such facilities are deemed to be adequate and available by the Director of Public Works. SHALL EXTEND SUCH TIME FOR UTILIZATION TO A DATE EIGHTEEN MONTHS AFTER SUCH FACILITIES BECOME ADEQUATE AND AVAILABLE, AS EVIDENCED BY THE ABILITY TO OBTAIN A PUBLIC WORKS AGREEMENT PERMITTING EXERCISE OF THE SPECIAL EXCEPTION. A COPY OF THE EXTENSION ORDER SHALL BE SENT BY THE ZONING COMMISSIONER TO THE DIRECTOR OF PUBLIC WORKS, WHO SHALL GIVE CERTIFIED OR REGISTERED MAIL NOTICE WHEN SUCH PUBLIC WORKS AGREEMENT IS OBTAINABLE, TO THE PARTY, AND FOR THE PROPERTY, NAMED IN THE EXTENSION ORDER AT THE ADDRESS SHOWN IN SAID ORDER, EXCEPT THAT THE PARTY NAMED IN THE EXTENSION ORDER, BY CERTIFIED OR REGISTERED MAIL NOTICE TO THE DIRECTOR OF PUBLIC WORKS AND THE ZONING COMMISSIONER, MAY CHANGE THE NAME OF THE PARTY TO RECEIVE SUCH NOTICE FROM THE PUBLIC WORKS DI-

RECTOR, OR THE ADDRESS TO WHICH SAID NOTICE IS TO BE SENT, OR BOTH. THE DATE ON WHICH THE NOTICE IS SENT BY THE DIRECTOR OF PUBLIC WORKS TO THE LAST PARTY OF RECORD WITH HIM, AT THE LAST ADDRESS FURNISHED, SHALL BE THE COMMENCEMENT DATE FOR THE RUNNING OF THE EIGHTEEN MONTH EXTENSION PERIOD IN WHICH THERE MUST BE UTILIZATION OF THE SPECIAL EXCEPTION.

ANYONE HAVING A SPECIAL EXCEPTION FOR AN AUTOMOTIVE SERVICE STATION SHALL HAVE SUCH EXCEPTION AUTOMATICALLY EXTENDED FOR A PERIOD OF FIVE (5) YEARS AFTER SAID PROPERTY IS DESIGNATED A DISTRICT IN ACCORDANCE WITH THE AUTOMOTIVE SERVICE STATIONS REGULATIONS OF BALTIMORE COUNTY.

SECTION 8. And be it further enacted that this Ordinance is hereby declared to be an emergency measure affecting the public health, safety or welfare, and, having been passed by the affirmative vote of five members of the County Council, the same shall take effect from the date of its enactment.

SECTION 9. AND BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE DAYS AFTER ITS ENACTMENT.

READ AND PASSED this 2nd day of October, 1967.

By Order:

Herbert Hohenberger, Secretary

PRESENTED to the County Executive, for his approval this 4th day of October, 1967.

Herbert Hohenberger, Secretary

APPROVED AND ENACTED: October 6, 1967.

Dale Anderson,

County Executive

I HEREBY CERTIFY THAT BILL NO. 85 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON NOVEMBER 20, 1967.

G. Walter Tyrie, Jr.

Chairman, County Council

EXPLANATION: *Italics* indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

RE: PETITION FOR SPECIAL HEARING : BEFORE
for a Bank in an M.L.R. zone
9th District : COUNTY BOARD OF APPEALS
Kenilwest Limited Partnership : OF
Petitioner : BALTIMORE COUNTY
 : No. 80-88-SPH

OPINION

This case comes before the Board on appeal by the Petitioner in regard to the People's Counsel's participation in a hearing before the Zoning Commissioner to determine whether a bank is a permitted use in an M.L.R. zone. The Petitioner filed a petition for this special hearing under Section 500.7 of the Zoning Regulations of Baltimore County requesting the Commissioner to interpret Section 248.1 of the Regulations as including a bank as a permitted use in an M.L.R. zone. On May 29, 1980, the People's Counsel filed an appeal to the Commissioner's decision in that case.

The question before this Board is whether the People's Counsel had exceeded his defined powers given in the Charter of Baltimore County in appearing at the Zoning Commissioner's special hearing and appealing the decision. The Petitioner argues that Baltimore County's Charter limits the powers of the People's Counsel, as created under Section 524.1 of the Charter, to an extent that he may not appear as a party nor appeal from special hearings called by the Zoning Commissioner in that these hearings are not specifically enumerated in the County Charter's provision describing the powers of the People's Counsel. Section 524.1.(b).(3) lists the powers and duties of the office of People's Counsel as follows:

"A. He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, and the courts on behalf of the interests of the public in general, to defend the comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from a special exception under the Baltimore County Zoning Regulations, as now or hereafter in force and effect, in which he may deem the public interest to be involved. He shall have in such appearance, all the rights of counsel for a party in interest, including but not limited to the right to present

RE: PETITION FOR SPECIAL HEARING * BEFORE THE BOARD OF APPEALS
HEARING *
KENILWEST LIMITED PARTNERSHIP * OF BALTIMORE COUNTY
Petitioner * Case No.: 80-88SPH (Item 17)

MOTION RAISING PRELIMINARY OBJECTION

This Motion of Kenilwest Limited Partnership by R. Bruce Alderman, and White, Mindel, Clarke & Hill, attorneys, raises a Preliminary Objection to the Appeal filed by People's Counsel for Baltimore County in the above entitled case and alleges that People's Counsel is without standing or legal right to file or pursue such appeal, as follows:

1. The rights, powers and duties of People's Counsel are defined and limited by Sec. 524.1 (b) (3) of the Baltimore County Charter, and do not include the right to appear as a party or appeal in a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County.

2. Said Charter Provision is definitive and limited in its scope and must be strictly construed.

3. Such other reasons as shall be presented upon hearing on this Motion.

WHEREFORE, this Honorable Board is requested to set a prompt hearing on this Motion, and to dismiss the aforesaid appeal of People's Counsel as illegal and improper.

R. Bruce Alderman
White, Mindel, Clarke & Hill
305 W. Chesapeake Avenue
Towson, Maryland 21204
828-1050

I HEREBY CERTIFY that on this 29th day of August, 1980, a copy of the foregoing Motion Raising Preliminary Objection was mailed to John W. Hessian, III, Esquire, Peter Max Zimmerman, Esquire and Mr. Gerard Wit.

R. Bruce Alderman

Kenilwest Limited Partnership - #80-88-SPH

2.

his case, to cross examine, to object, to be heard, and to file and prosecute an appeal in his capacity as People's Counsel from any order or act of the zoning commissioner of Baltimore County or his deputy, or of the county board of appeals to the courts as an aggrieved party pursuant to the provisions of Section 604 of this Charter to promote and protect the health, safety and general welfare of the community." (Emphasis added)

The Petitioner argues that only three types of cases govern the People's Counsel's participation: "zoning reclassification and/or variance and/or special exception".

Petitioner further argues that since these are specifically called out in the Charter, which is a governing constitutional document, this Section should be strictly construed, citing Cooley Constitutional Limits at page 449; Hardwood vs. Marshall 9 103 (1856) and County Commissioner vs. Meekins 50 445 (1878). The Petitioner also argues that since the specific powers of the People's Counsel are enumerated, appearance before and appeal from the Zoning Commissioner's special hearings, not being so enumerated, cannot be implied from the intended purposes of Section 524.1 nor are they incidental to his right to appear as a party with regard to special exceptions.

The Board believes that the key phrase to be interpreted in this decision is underlined in Section 524.1 aforesaid and involves the words " . . . in any matter or proceeding now pending or thereafter brought involving . . . ". (Emphasis added) Within this phrase the Board particularly examined the word "involving" and how it may be interpreted in establishing the People's Counsel's powers. The Board agrees with the Petitioner that Charter provisions must be strictly construed in regard to the power of officials of the County. However, the word "involving" itself appears to be a more general and more adaptable term than the Petitioner would have us understand. Black's Law Dictionary, Fourth Edition, does not contain a definition of the word "involving". However, Webster's Collegiate Dictionary does define the word "involve" to include "to require as in necessary accompaniment" among many variations of the word. The Board believes this to be the most applicable definition, and holds that in order for the People's Counsel to appear there must be a "necessary accompaniment" to the three specifically enumerated powers.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
Kenilwest Limited Partnership :
Petitioner : OF BALTIMORE COUNTY
 : Case No. 80-88-SPH (Item 17)

ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled case, under date of May 6, 1980, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 29th day of May, 1980, a copy of the foregoing Order for appeal was mailed to R. Bruce Alderman, Esquire, 305 West Chesapeake Avenue, Towson, Maryland 21204, Attorney for Petitioner; and Mr. Gerard Wit, The Berkshire Corporation, Suite 322, The Quadrangle, Village of Cross Keys, Baltimore, Maryland 21210.

Peter Max Zimmerman

Kenilwest Limited Partnership - #80-88-SPH

3.

In the case before the Board, the facts support the People's Counsel's appearance before and appeal from Zoning Commissioner's decisions. The Board finds that the essence of the issue before the Zoning Commissioner was whether a special exception would be required or did the bank fall within the framework of the M.L.R. zone and, therefore, not require a special exception. The Board finds sufficient direct connection between the issue before the Zoning Commissioner at the hearing and the special exception request which would follow if the Zoning Commissioner had replied that such was needed. As a general rule, the Board believes that appearance by the People's Counsel, where challenged as herein, should be determined on a case by case basis using the test of whether the activity is sufficiently connected to a zoning reclassification, special exception or variance, that it is a "necessary accompaniment" to those functions. The Board notes the recent Charter amendment expanding the People's Counsel's power to defend the Master Plan and will apply as similar test when presented as an issue on the map.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day of November, 1980, by the County Board of Appeals, ORDERED that the Petitioner's Motion in regard to this specific question of whether the People's Counsel has standing to appear before it in this matter be, and the same is hereby DISMISSED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

John V. Murphy

John A. Miller

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
No Plats Submitted, 9th District :
KENILWEST LIMITED PARTNERSHIP, :
Petitioners : Case No. 80-88-SPH (Item 17)

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of September, 1979, a copy of the foregoing Order was mailed to R. Bruce Alderman, Esquire, 305 West Chesapeake Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hessian, III

RE: PETITION FOR SPECIAL HEARING : BEFORE THE BOARD OF APPEALS
for a Bank in an M.L.R. Zone
9th District : OF BALTIMORE COUNTY
KENILWEST LIMITED PARTNERSHIP, : Zoning Case No. 80-88-SPH (Item 17)
Petitioner :
 : : : : :

ANSWER TO MOTION RAISING PRELIMINARY OBJECTION

People's Counsel for Baltimore County answers the Motion Raising Preliminary Objection in the above-entitled case as follows:

1. The Special Hearing in the present case is so intertwined with the law governing Special Exceptions for banks in M.L.R. zones that the People's Counsel, by virtue of his responsibility to defend the Comprehensive Zoning Maps appertinent to Special Exceptions, is necessarily interested and involved.
2. Section 524.1(b)(3), construed according to its intent and purpose to afford representation of the public interest, includes the right of the People's Counsel to appear in Special Hearing cases where incidental to applications for Special Exceptions and issues presented pertaining to the requirement of Special Exceptions.
3. Otherwise stated, the People's Counsel is interested not only in the review of Special Exception petitions, but also in the issue of whether or not a Special Exception is required.
4. The People's Counsel, therefore, denies the allegations of the Motion Raising Preliminary Objection and requests that it be denied.

John W. Hessian, III
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of September, 1980, a copy of the foregoing Answer was mailed to R. Bruce Alderman, Esquire, White, Mindel, Clarke & Hill, 305 W. Chesapeake Ave., Towson, Maryland 21204.

Peter Max Zimmerman

County Council of Baltimore County
Maryland

Legislative Session 1961, Legislative Day No. 10

BILL No. 56

Introduced by Mr. Anderson (8th), Councilman

By the County Council, May 16, 1961.

I hereby certify that this is the original of Bill No. 56, which was introduced and read the first time on the above date.

By Order: Lee S. Thomson, Secretary

A BILL

Entitled

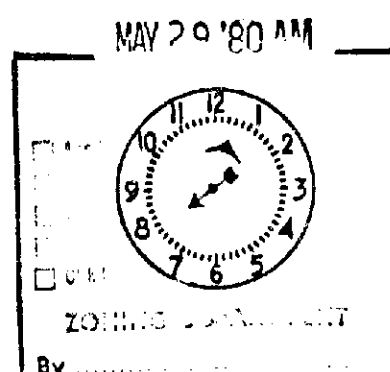
AN ACT, to repeal Sections 250 to 252.6 inclusive of the Baltimore County Zoning Regulations adopted by County Commissioners of Baltimore County on March 30, 1955, Title "M. R. Zone-Manufacturing, Restricted", and to enact in lieu thereof Sections 240 to 243.6 inclusive; to add Sections 247 to 252 inclusive to said Baltimore County Zoning Regulations under a new title "M. L. R. Zone-Manufacturing Light, Restricted", and to amend Sections 253.4 and 254 of said Zoning Regulations; to add Section 255.1 to said Zoning Regulations; to amend Sections 256.1 and 257 of said Zoning Regulations; to add Section 258.1 to said Zoning Regulations; to amend Section 101, Title "Definitions", and Section 301.3 of said Zoning Regulations; to create a new Manufacturing Light, Restricted (M. L. R.) Zone; to make revisions in the Manufacturing, Restricted (M. R.) Zone; and to make additions to the Manufacturing, Light (M. L.) and Manufacturing, Heavy (M. H.) Zones.

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Sections 250 to 252.6 inclusive of the Baltimore County Zoning Regulations adopted by the County Commissioners of Baltimore County on March 30, 1955, Title "M. R. Zone-Manufacturing, Restricted", be and they are repealed and be it enacted further that the following sections shall stand in lieu thereof:

M. R. ZONE—MANUFACTURING RESTRICTED
Section 240—PURPOSE, SIZE LIMITATION, PROCEDURE
AND USE

240.1—Purpose—In order to provide greater flexibility in the

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1 selection of industrial areas, to assure effective control over the
2 location, type, and arrangement of industrial uses, so as to pr-
3 tect the uses in neighboring residential zones, M. R. Zones may
4 only be created by petition in accordance with the procedure out-
5 lined in the following sections. Nothing herein shall be construed
6 to have any effect on a zone established as M. R. prior to the
7 enactment hereof.

8 240.2—Minimum Size—If an M. R. Zone does not adjoin an
9 M. L., M. H., or M. L. R. Zone, it must comprise at least five
10 acres. An individual tract within an M. R. Zone may be less
11 than five acres. A tract which adjoins an M. L., M. H. or M. L. R.
12 Zone may be reclassified as an M. R. Zone even if such tract
13 contains less than five acres in area, provided that it conforms
14 in all other respects to the use and area regulations of an M. R.
15 Zone.

16 240.3—Procedure for use of an existing M. R. Zone—When
17 the owner of property located within an M. R. Zone proposes
18 to develop such property, or any part thereof, he shall file with
19 the Director of Planning five copies of a "Proposed Development
20 Plan". Such plan shall show (a) existing topography and pro-
21 posed changes in grade; (b) proposed streets within the planned
22 area and their relation to adjacent streets; (c) approximate
23 location, size and general character including, but not limited to
24 materials, of proposed structures; (d) proposed use; (e) loca-
25 tion and size of parking lots, and loading and unloading areas
26 based on anticipated number of employees and trucks; and (f)
27 proposed screening and planting. The Planning Board shall,
28 within thirty days after receipt of such plan by the Director of
29 Planning make its recommendations in writing to the Zoning
30 Commissioner. The Zoning Commissioner, after due notice shall
31 proceed to hold a public hearing on such proposed development
32 plan, and shall thereafter pass an order approving or disapprov-
33 ing such plan. If approved with conditions, the conditions shall
34 be incorporated in said order. An appeal may be taken from such
35 order to the County Board of Appeals.

36 240.4—Procedure for petitioning for a new M. R. Zone—A
37 petition for creating an M. R. Zone shall be filed with the Zoning
38 Commissioner. There shall be filed with such petition five copies
39 of a "Proposed Development Plan". Such plan shall contain the
40 same information as is required for the "Proposed Development
41 Plan" under section 240.3. A copy of such plan shall be trans-
42 mitted forthwith to the Planning Board. The Planning Board
43 shall, within thirty days after receipt of such plan, make its
44 recommendations in writing to the Zoning Commissioner concern-
45 ing the petition for creation of an M. R. Zone and the "Pro-
46 posed Development Plan". The Zoning Commissioner, after due

1 notice, shall proceed to hold a public hearing on such petition
2 and Proposed Development Plan, and shall thereafter pass an
3 order either creating the requested M. R. Zone or denying the
4 request for such zone. The order creating the requested M. R.
5 Zone shall also either approve or disapprove the Proposed De-
6 velopment Plan. If the Proposed Development Plan is ap-
7 proved with conditions, the said conditions shall be incorporated
8 in said order. An appeal may be taken from such order to the
9 County Board of Appeals.

10 240.5—Compliance with approved Development Plan—Any
11 order approving a "Proposed Development Plan" shall require
12 that buildings and grounds shall be developed and maintained
13 in accordance with such plan, provided, however, that the Zoning
14 Commissioner may from time to time approve changes in such
15 plan upon request and after public hearing.

16 240.6—Building Permits—A building permit shall not be
17 issued in any M. R. Zone for a structure unless it complies with
18 an approved development plan.

19 241—USE REGULATIONS

20 241.1—The following uses are permitted, provided their opera-
21 tions are entirely within enclosed buildings except where ap-
22 proval of the development plan indicates otherwise:

- 23 Assembly of electrical appliances, electronic instruments
- 24 and devices, radios and phonographs;
- 25 Bakery;
- 26 Bottling establishment, soft drink;
- 27 Cold storage plant;
- 28 Laboratory;
- 29 Manufacture, compounding, packaging, or treatment of
- 30 candy, cosmetics, drugs, perfumes, and food products;
- 31 Manufacture, compounding, assembling, machining or
- 32 other comparable treatment of articles of merchandise
- 33 from the following previously prepared materials: can-
- 34 vas, cellophane, cloth, cork, feathers, felt, fibre, fur,
- 35 glass horn, leather, paper, plastics, precious or semi-
- 36 precious metals or stones, sheet metal (excluding large
- 37 stampings such as motor vehicle fenders and bodies),
- 38 light steel or other light metal mesh, pipe, rods, shapes,
- 39 strips, wire, or similar component parts; shells, textiles,
- 40 tobacco, wax, wood and yarns;
- 41 Manufacture of musical instruments, precision instru-
- 42 ments, clocks, watches, toys, novelties, wrought iron
- 43 products, rubber or metal stamps, and other small
- 44 moulded rubber products;
- 45

- 1 Offices and office buildings,
- 2 Printing, lithographing, or publishing plant;
- 3 Public utility uses;
- 4 Warehouse, storage. (Inclusion of wholesale sales area
- 5 permitted provided it is clearly incidental to the ware-
- 6 house function.)
- 7 241.2—The following uses are prohibited:
- 8 Dwellings.

9 241.3—No outside display or storage of products or materials
10 of any kind is permitted in the front, side, or rear yards.

11 241.4—If required, screening shall be provided by structure
12 and/or planting, of such nature and in such locations as may
13 be specified by the Director of Planning.

14 242—HEIGHT REGULATIONS

15 Same as in D. L. Zone

16 243—AREA REGULATIONS

17 Minimum requirements, except as provided in ARTICLE 3,
18 shall be as follows:

19 243.1—Front Yard—The front building line shall be not less
20 than 75 feet from the front property line.

21 243.2—Side Yard—50 feet measured from the side property
22 line.

23 243.3—Rear Yard—50 feet measured from the rear property
24 line.

25 243.4—Proximity of Structures to Residential Zones—No
26 building or other structure shall be closer than 125 feet at any
27 point to the nearest boundary line of a residential zone.

28 243.5—Floor Area Ratio (See definition, Section 101)—Maxi-
29 mum permitted Floor Area Ratio (F. A. R.)—A, except in the
30 case of a one story building not more than 25% of the land area
31 may be covered by any such building(s).

32 243.6—Offstreet parking and loading areas shall be in accord-
33 ance with the requirements of Section 409, but no parking is
34 permitted within 25 feet of any residential zone boundary. Park-
35 ing areas shall be paved, and any lighting thereof shall be re-
36 flected away from residential zones, and if on standards, lights
37 shall not exceed the height of the highest building.

38 SECTION 2. And be it further enacted, that Sections 247 to
39 252 inclusive be and they are hereby added to said Zoning Regu-
40 lations under a new title "M. L. R. Zone—Manufacturing Light,
41 Restricted", said new sections to read as follows:

1 M. L. R. ZONE—MANUFACTURING LIGHT, RESTRICTED

2 Section 247—PURPOSE

3 To permit grouping of high types of industrial plants in
4 industrial subdivisions in locations with convenient access to
5 expressways or other primary motorways so as to avoid using
6 MINIMIZE THE USE OF residential streets; to fill special loca-
7 tional needs of certain types of light industry; to permit planned
8 dispersal of industrial employment centers so as to be conveni-
9 ently and satisfactorily related to residential communities; and
10 as transitional bands between residential or institutional areas
11 and M. L. or M. H. Zones.

12 Section 248—USE REGULATIONS:

13 The following uses only are permitted:

14 248.1—Uses permitted in the M. R. Zone;

15 248.2—Uses permitted and as limited in the R-40 Zone by
16 Sections 200.6 and 200.11;

17 248.3—Living quarters for watchmen and caretakers and their
18 families living on the premises and engaged in connection with
19 any lawful use in the M. L. R. Zone;

20 Accessory buildings and uses in connection with living quarters
21 (see above) and as limited by Section 400.

22 248.4—Special Exceptions—When permitted as Special Ex-
23 ceptions (see Sections 270 and 502);

24 a. The following uses:

25 Airstrips;

26 Boatyard (including marine railway);

27 Excavations, controlled (see Section 403);

28 Heliport;

29 Public utility uses other than those noted in Section 200.11

30 excluding steam power plants;

31 Riding stable (commercial), golf driving range, miniature

32 golf, baseball batting range; as interim income-produc-

33 ing uses;

34 Sanitary landfill;

35 Volunteer fire company;

36 Wireless transmitting and receiving structure.

37 b. The following commercial uses, when within an M. L. R.
38 Zone which is a part of a continuous CONTIGUOUS area of
39 25 acres or more of industrial zoning and if the specific
40 use proposed is demonstrably an appropriate service to in-
41 dustries existing, planned or normally to be expected to
42 locate therein; and in no case shall the combined tract

1 areas developed for one or more of these service com-
2 mercial uses occupy more than 15% of M. L. R. tract in
3 which they are located:

4 Bank;

5 Business and trade schools;

6 Motel;

7 Public Restaurant, but food may be served and eaten
8 on the premises only by persons seated at inside tables
9 or counters; it may not be served to persons remaining
10 in cars.

11 c. In order that the above-listed uses in sub-sections a and b
12 hereof will be located within the M. L. R. Zone so as to
13 assure their services' being rendered primarily to the in-
14 dustries therein, no building or structure connected with
15 such commercial uses may be within 100 feet of the right-
16 of-way of an existing or proposed major street.

17 This limitation shall not apply to locations on minor or
18 local industrial subdivision roads or to freeways (on which
19 the use does not have direct access).

20 Section 249—HEIGHT REGULATIONS:

21 Maximum height of buildings—60 feet, except that any build-
22 ing may exceed such height provided that at no point it projects
23 above a line sloping inward and upward at a 45 degree angle
24 from the 60 foot elevation at the required setback line. (See
25 also Section 300.1). Building heights are further restricted by
26 the permitted Floor Area Ratio, Section 250.5.

27 Section 250—AREA REGULATIONS:

28 Minimum requirements, except as set forth in Section 301,
29 shall be as follows:

30 250.1—Front Yard—The front building line shall be not less
31 than 50 feet from the front property line if on a dual highway,
32 and not less than 40 feet from the front property line if on any
33 other street;

34 250.2—Side Yard—30 feet in width measured from either side
35 property line for one side yard, but the sum of both side yards
36 shall not be less than 80 feet; if a corner lot, same requirement
37 as for a front yard; (See also Section 301.3);

38 250.3—Rear Yard—40 feet in depth measured from the rear
39 property line. (See also Section 301.3);

40 250.4—Proximity of structures to Residential Zones—No
41 building or other industrial structure shall be at any point less
42 than 100 feet distant from the nearest residential zone line;

1 250.5—Floor Area Ratio—(see definition, Section 101), Maxi-
2 mum permitted F. A. R. : 0.6, except that in the case of a one
3 story building not more than 35% of the land area may be
4 covered by such building, (exclusive of special projections as
5 provided for in Section 300 and 301).

6 250.6—Off-street parking and loading areas shall be in accord-
7 ance with the requirements of Section 409, but no parking is
8 permitted within 25 feet of any residential zone boundary. Park-
9 ing areas shall be paved, and any lighting thereof shall be re-
10 flected away from residential zones, and, if on standards, lights
11 shall not exceed the height of the highest building.

12 250.7—Outdoor Storage and Display—No storage of products
13 or materials of any kind is permitted in the front yard, nor in
14 side or rear yards unless effectively screened from adjacent resi-
15 dential land. Display of products is permitted not closer than
16 75 feet to the center line of any street.

17 Section 251—THE SUBDIVISION PLAN:

18 a. If development of an M. L. R. Zone or any part thereof,
19 is proposed to involve occupancy by more than one separate
20 industrial plant—whether on the basis of lease or purchase
21 of separate sites—it shall constitute a subdivision and be
22 subject to Subdivision Regulations. A suitable degree of
23 flexibility may be permitted in the sizes and shapes of
24 individual sites, but the Tentative Plan for subdivision
25 for coordinated development shall show all locations of
26 industrial access streets within the planned area, any pro-
27 posed joint loading facilities or railroad sidings, and in-
28 formation necessary to plan for accommodating other
29 public facilities, such as storm drains. Any previously ap-
30 proved M. L. R. subdivision plan may be amended upon
31 the owner's or developer's request, subject to approval of
32 such revised plans by the Office of Planning and Zoning.

33 b. Coordinated development as an industrial subdivision may
34 be elected by owner or owners of contiguous tracts. In
35 such case the joint plan therefor shall be a subdivision,
36 whether all, some, or none of the properties included in-
37 volve imminent development.

38 Section 252—THE SITE DEVELOPMENT PLANS:

39 Development of an individual establishment within an M. L. R.
40 Zone shall be in accord with approved site development plans, as
41 required in building permit processing prior to development in
42 any industrial zone. Approved plans for site development should
43 include:

44 a. Three or more copies of a general plan for site develop-
45 ment, showing building coverage, placement of other struc-

1 tural features, interior roads, parking areas, existing topog-
2 raphy and proposed grading, screening, and areas of
3 lawn and planting;

4 b. Plans or sketches of all elevations of each building exterior,
5 indicating building materials;

6 c. A general explanation of the proposed plan of use and
7 operation, including, but not limited to such factors as:
8 expected maximum number of employees and times of
9 operation; timing and routing of movements of raw mate-
10 rials to the site and of finished products therefrom; ex-
11 pected levels of potential emanations, including but not
12 limited to noise, dust, odors, vibration, glare and heat.

13 SECTION 3. And be it further enacted, that Sections 253.4 and
14 254 of said regulations be amended as follows:

15 Section 253.4 Add: See also Section 255.1;

16 Section 254 Change to: (See Section 255.1 and 300).

17 SECTION 4. And be it further enacted, that a new Section
18 255.1 be and it is hereby added to said regulations to read as
19 follows:

20 Section 255.1—Wherever an M. L. Zone abuts or lies across
21 the street from a residential zone or abuts on any Federal, State,
22 or County motorway which is officially designated as an expres-
23 way, freeway, or thruway, the use, height, and area regulations
24 applicable to any part of the M. L. Zone which is within 100 feet
25 of said residential zone or motorway shall be those listed in
26 Sections 248.1, 242 and 243 of these regulations. No outside
27 storage of material or display of products shall be permitted in
28 any front, side, or rear yard within this same 100 foot restric-
29 tive strip.

30 SECTION 5. And be it further enacted, that a new Section
31 258.1 be and it is hereby added to said regulations, said new
32 section to read as follows:

33 Section 258.1

34 a. Wherever an M. H. Zone abuts or lies across the street
35 from a residential zone, or abuts on any Federal, State, or
36 County motorway which is officially designated as an expres-
37 sion, freeway, or thruway, the use, height, and area regula-
38 tions applicable to any part of the M. H. Zone which
39 is within 150 feet of said residential zone or motorway
40 shall be those listed in Sections 248.1, 242 and 243 of these
41 regulations.

42 b. No outside storage of materials or display of products
43 shall be permitted in any front, side, or rear yard within

1 this same 150 foot restrictive strip, except that mineral
2 aggregate excavated on site may remain or be placed with-
3 in 50 feet of the side or rear boundary line of the res-
4 idential zone or the motorway property line, as noted above.

5 SECTION 7. To amend Sections 101, Title "Definitions", by
6 adding on page 4 of said regulations after the definition of
7 "Farming", the following:

8 Floor Area Ratio (F. A. R.): The ratio of the total aggregate
9 of all floor area of a building (or buildings, if more than one
10 principal building occurs on a site) to its net site area (exclu-
11 sive of street rights-of-way). Total floor area shall include
12 outside walls, floor areas of basements and of all accessory
13 buildings, including garages and sheds; and covered areas, in-
14 cluding open porches, breezeways and carports. Both the height
15 of any building and its amount of coverage of the land by such
16 building may be expressed with one figure. An F. A. R. of 1.0
17 can mean 100% coverage of the net land by one-story building,
18 50% coverage by a 2 story building, 25% coverage by a four-
19 story building, etc.

20 SECTION 8. And be it further enacted, that Section 301.3 of
21 said regulations be amended as follows:

22 Section 301.3 After M. R., add M. L. R.

23 SECTION 9. And be it further enacted, that this Act shall take
24 effect forty-five days after its enactment.

READ AND PASSED this 23rd day of May, 1961.

By Order:

Lee S. Thomson, Secretary

PRESENTED to the County Executive, for his approval this
24th day of May, 1961.

Lee S. Thomson, Secretary

APPROVED AND ENACTED: May 25, 1961.

Christian H. Kahl

County Executive

Page 10

I HEREBY CERTIFY THAT BILL NO. 56 IS TRUE AND
CORRECT AND WILL TAKE EFFECT ON JULY 10, 1961.

Dale Anderson
Chairman, County Council

June 5, 1961.

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

County Council of Baltimore County Maryland

Legislative Session 1962, Legislative Day No. 22

BILL NO. 139
Introduced by Mr. Anderson (5th) Councilman

By the County Council, September 10, 1962.

I hereby certify that this is the original of Bill No. 139, which
was introduced and read the first time on the above date.

By Order: R. Bruce Alderman, Secretary.

A BILL
Entitled

AN ACT, to add banks to the list of uses permitted in a Manufacturing Restricted zone, by amending Section 241.1 of the Baltimore County Zoning Regulations (1955), as changed by Bill No. 56 (1961).

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Section 241.1 of the Baltimore County Zoning Regulations (1955), as changed by Bill No. 56 (1961) is hereby amended by adding after the word "Bakery", the word "Bank";

SECTION 2. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 20th day of September, 1962.

By Order:

R. Bruce Alderman, Secretary.

PRESENTED to the County Executive, for his approval this
21st day of September, 1962.

R. Bruce Alderman, Secretary.

APPROVED AND ENACTED: September 26, 1962.

Christian H. Kahl,
County Executive

Page 2

I HEREBY CERTIFY THAT BILL NO. 139 IS TRUE AND
CORRECT AND WILL TAKE EFFECT ON NOVEMBER 10,
1962.

Dale Anderson,
Chairman, County Council

October 1, 1962.

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.

County Council of Baltimore County Maryland

Legislative Session 1962, Legislative Day No. 22

BILL NO. 139
Introduced by Mr. Anderson (5th) Councilman

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SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Section 241.1 of the Baltimore County Zoning Regulations (1955), as changed by Bill No. 56 (1961) is hereby amended by adding after the word "Bakery", the word "Bank";

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READ AND PASSED this 20th day of September, 1962.

By Order:

R. Bruce Alderman, Secretary.

PRESENTED to the County Executive, for his approval this
21st day of September, 1962.

R. Bruce Alderman, Secretary.

APPROVED AND ENACTED: September 26, 1962.

Christian H. Kahl,
County Executive

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Dale Anderson,
Chairman, County Council

October 1, 1962.

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[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

John W. Hessian, III, Esquire and
TO Peter M. Zimmerman, Esquire Date November 25, 1980
People's Counsel
FROM Mr. James E. Dyer, Zoning Supervisor

SUBJECT: Board of Appeals Case No. 80-88-SPH - Kenilwest Ltd. Partnership

Your timely notification of the above hearing date is most appreciated.

Notwithstanding the fact that your involvement in the case is no doubt based at least in part upon my concerns, I would like to advise you that my position concerning this matter has changed. After having reflected on the overall issue and rereviewed the Order granting the bank use, including the impact of such an Order on the overall application of the Baltimore County Zoning Regulations, I have come to the conclusion that it is not necessary to pursue this matter.

If in fact you have strong reservations concerning the above matter, I will be available to testify and provide any assistance that I can. Please advise.

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED/sf

cc: Mr. William E. Hammond
Zoning Commissioner

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner

PETITION FOR SPECIAL HEARING

9th District

ZONING: Petition for Special Hearing for Interpretation

DATE & TIME: Thursday, September 20, 1979 at 10:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 to determine whether the construction of a tank in an M.L.R. zone is a permitted use or requires a Special Exception, i.e. see Sections 243.1 and 243.1b

All that parcel of land in the Ninth District of Baltimore County

Being the property of Kenilwest Limited Partnership

Hearing Date: Thursday, September 20, 1979 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

December 10, 1980

John W. Hessian, III, Esq.
People's Counsel
Court House
Towson, Md. 21204

Dear Mr. Hessian:

Re: Kenilwest Limited Partnership
Case No. 80-88-SPH

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: R. Bruce Alderman, Esq.
Clark E. McKenzie
Gerard W. Jones
James E. Dyer
William E. Hammond
Norman E. Gerber

9/4/80 - Notified of hearing on MOTION ONLY assigned for THURSDAY, OCTOBER 2, 1980 at 11 a.m.

R. Bruce Alderman, Esq.
Clark F. McKenzie
Mr. Gerard Wit
John W. Hession, III, Esq.

11/20/80 - Above notified of appeal hearing scheduled for DECEMBER 9, 1980 at 9:30 a.m. (TUESDAY)

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

November 20, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 80-88-SPH KENILWEST LIMITED PARTNERSHIP
SPH - Bank in an M.L.R. zone
9th District
5/6/80 - Z.C. ORDERED that a "bank" is a permitted use in an MLR zone, unfettered by the limitations imposed by Sec. 248.4.b

ASSIGNED FOR: TUESDAY, DECEMBER 9, 1980 at 9:30 a.m.

cc: R. Bruce Alderman, Esq. Counsel for Petitioner
Clark F. McKenzie Petitioner
Kenilwest Limited Partnership
Mr. Gerard Wit Requested Notification
The Berkshire Corporation
John W. Hession, III, Esq. People's Counsel
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber

Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Sept. 4, 1980

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

ON MOTION ONLY

CASE NO. 80-88-SPH KENILWEST LIMITED PARTNERSHIP
SPH-Bank in an M.L.R. zone
9th District
ZC-5/6/80 - Ordered that a "bank" is a permitted use in an MLR zone, unfettered by the limitations imposed by Sec. 248.4.b

ASSIGNED FOR: THURSDAY, OCTOBER 2, 1980, at 11 a.m.

cc: R. Bruce Alderman, Esq. Attorney for Petitioner
Clark F. McKenzie Petitioner
Kenilwest Limited Partnership
Mr. Gerard Wit
John W. Hession, Esq. People's Counsel
J. E. Dyer Zoning Office
W. E. Hammond
J. D. Seyffert Planning and Zoning

June Holmen, Secretary

November 20, 1980

John W. Hession, Esquire
People's Counsel for Baltimore County
Courthouse
Towson, Md. 21204

Re: Case No. 80-88-SPH
Kenilwest Limited Partnership

Dear Mr. Hession:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: R. Bruce Alderman, Esquire
Mr. Clark F. McKenzie
Mr. Gerard Wit
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. Haswell

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner
TO: John D. Seyffert, Director
FROM: Office of Planning and Zoning
SUBJECT: Petition #80-88 Item 17

Date: September 13, 1979

Petition for Special Hearing for Interpretation
Petitioner - Kenilwest Limited Partnership

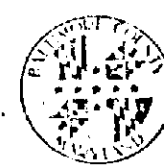
9th District

HEARING: Thursday, September 20, 1979 (10:30 A.M.)

This office is of the opinion that the provisions of Section 248.4.b. of the Baltimore County Zoning Regulations governs bank uses in the M.L.R. zoning Classification.

John D. Seyffert
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:rw



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 10, 1979

R. Bruce Alderman, Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Case No. 80-88-SPH
Kenilwest Limited Partnership

Dear Sir:

This is to advise you that \$21.73 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Mrs. Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH/sj

R. Bruce Alderman, Esquire
White, Mindel, Clarke & Hill
305 W. Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Kenilwest Limited Partnership, Petition for Special Hearing,
Case No. 80-88-SPH

TIME: 10:30 A.M.

DATE: Thursday, September 20, 1979

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

May 6, 1980

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Kenilwest Limited Partnership -
Petitioner
NO. 80-88-SPH (Item No. 17)

Dear Mr. Alderman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

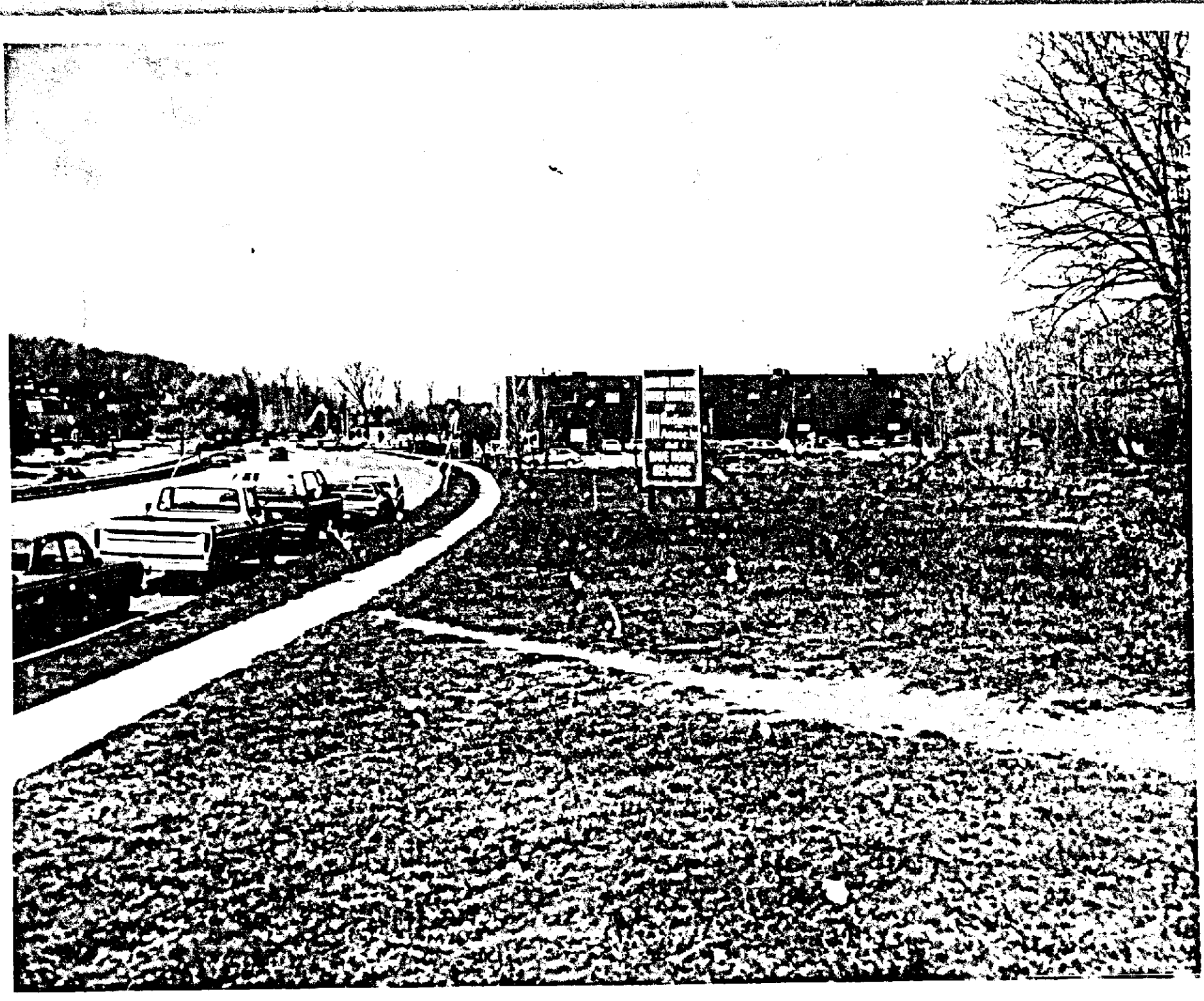
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: Mr. Gerard Wit
The Berkshire Corporation
Suite 322, The Quadrangle
Village of Cross Keys
Baltimore, Maryland 21210

John W. Hession, III, Esquire
People's Counsel



R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 24th day of July, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Kenilwest Limited Partnership
Petitioner's Attorney Alderman

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 24 day of July, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Kenilwest Limited Partnership
Petitioner's Attorney Alderman

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 11 day of July, 1979.*

Filing Fee \$ 25.00 Received: ✓ Check
Cash
Other

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner Kenilwest Limited Partnership Submitted by Alderman
Petitioner's Attorney Bruce Alderman Reviewed by DA

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 30, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each of successive weeks before the 30th day of August, 1979, the first publication appearing on the 30th day of August, 1979.

S. Frank Stricker
THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ 14.00

PETITION FOR SPECIAL HEARING

ZONING: Petition for Special Hearing for Interpretation.
DATE & TIME: Thursday, September 20, 1979 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Special Hearing under Section 500.7 to determine whether the construction of a bank in an M.L.R. zone is a permitted use or requires a Special Exception, i.e. see Section 248.1 and 248.4b.

All that parcel of land in the Ninth District of Baltimore County being the property of Kenilwest Limited Partnership.

Hearing Date: Thursday, September 20, 1979 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of:
WILLIAM E. HAMMOND,
Zoning Commissioner
August 30, 1979



TOWSON, MD. 21204 August 30 1979

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR SPECIAL HEARING - Kenilwest Limited Partnership was inserted in the following:

- ☐ Catonsville Times ☐ Arbutus Times
☐ Fanny Times ☐ Community Times
☒ Towson Times

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 31st day of August 1979, that is to say, the same was inserted in the issues of August 30, 1979.

STROMBERG PUBLICATIONS, INC.

BY *Esther Burger*

PETITION FOR SPECIAL HEARING

ZONING: Petition for Special Hearing for Interpretation.
DATE & TIME: Thursday, September 20, 1979 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Special Hearing under Section 500.7 to determine whether the construction of a bank in an M.L.R. zone is a permitted use or requires a Special Exception, i.e. see Section 248.1 and 248.4b.

All that parcel of land in the Ninth District of Baltimore County being the property of Kenilwest Limited Partnership.

Hearing Date: Thursday, September 20, 1979 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of:
WILLIAM E. HAMMOND,
Zoning Commissioner
August 30, 1979

County Council of Baltimore County Maryland

Legislative Session 1967, Legislative Day No. 14

BILL NO. 83

Introduced by Mr. Tyrie (3rd), Councilman
(By Request of the County Executive)

By the County Council, October 2, 1967.

A BILL

Entitled

AN ACT, to amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for animal facilities, agricultural uses, antique shops, residential art salons, helicopter landing facilities, setbacks and exception uses in industrial zones, and time limits on special-use permits; repealing and re-enacting, with amendments, Subsection 200.12, Sections 203 and 206, Subsections 209.1, 209.3, 212.1, 212.3, 215.1, 215.5, 230.1, and 230.5, Paragraph 230.12a, Subsections 230.13, 233.2, 233.4, 236.2, 236.4, 241.1, 248.1 and 248.2, Paragraph 248.4a, and Sections 253, 255, 256 and 258; amending Section 270; enacting new Sections 402B and 402C; repealing and re-enacting, with amendments, Section 401; enacting new Sections 420 and 421; and repealing and re-enacting, with amendments Subsection 502.3; all being provisions of said Baltimore County Zoning Regulations, 1955, as amended.

WHEREAS, the amendments to the Zoning Regulations which are contained in this Bill have been formulated in accordance with the procedures specified in Sections 23-20 and 23-21 of the 1956 Cumulative Supplement to the Baltimore County Code, 1958, and the several public hearings required by said sections have been held in accordance therewith; now, therefore:

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, That Section 101 of the Baltimore County Zoning Regulations, entitled "Definitions," be and it is hereby amended by deleting therefrom the term, "Farming," and the definition there

for, "Commercial Agricultural uses in general, and specifically crop, dairy, stock and poultry farming; commercial greenhouses on 3 acres or more.", and by adding thereto in alphabetical order the following terms and definitions:

Animal Boarding Place: Any building, other structure, or land, or any portion thereof, which is used, intended to be used, or arranged for the boarding, breeding or other care of animals for profit, but excluding a farm, kennel, pet shop, veterinarian's office or veterinarian.

Animal Boarding Place, Class A: An animal boarding place exclusively for dogs, cats, birds, and/or other household pets.

Animal Boarding Place, Class B: Any other animal boarding place not excluded under the general definition or "Animal Boarding Place," above.

Farm: 3 acres or more of land, and any improvements thereon, used primarily for commercial agriculture, including, but not limited to: crop, dairy, stock and poultry farming; horse breeding, training and stabling; and commercial greenhousing, flower farms and nurseries, whether wholesale or retail, excluding a limited-acreage wholesale flower farm.

Farm (Limited-Acreage Wholesale Flower Farm): A limited-acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon, used primarily for growing flowers and small plants and the wholesale distribution thereof.

Helicopter: Any rotary-wing aircraft which depends principally for its support and motion in the air on the lift generated by one or more power-driven rotors rotating on substantially vertical axes.

Helicopter Operation: A landing and take-off by a helicopter.

Heliport, Type I: Any area of land, water or structural surface which meets the design standards of the Federal Aviation Agency and has been authorized by the Maryland State Aviation Commission to be used for scheduled operations by helicopter carriers certified by the Civil Aeronautics Board.

Heliport, Type II: Any area of land, water or structural surface which has been authorized by the Maryland State Aviation Commission to be used for nonscheduled but regular helicopter operations, and which does not serve for major support operations. As used herein, the term "major support operations" means "maintenance other than fueling; cargo loading; or any accessory operations using 2500 square feet or more of floor area."

Helistop: Any area of land, water, or structural surface which is located at least 500 feet from any property line, which has been

authorized by the Director of Public Safety to be used for helicopter operations, which is not a heliport, and which does not serve for major support operations (see definition for "Heliport, Type II"); OR any area of land, water or structural service which is located closer than 500 feet to a property line, which has been authorized by the Director of Public Safety to be used for not more than 15 helicopter operations per month, which is not a heliport, and which does not serve for major support operations.

Kennel: Any building, other structure or land, or any portion thereof, which is used, intended to be used, or arranged for the housing of more than three dogs, not counting puppies less than four months old, for purposes of show, hunting, breeding, or sale, or as pets, excluding a farm or pet shop.

Pet Shop: A store for the sale of dogs, cats, birds, tropical fish, and or other domesticated pets, and related supplies and equipment.

Residential Art Salon: A portion of a dwelling unit used for the exhibition and sale of original works of art. For the purposes of these Regulations, an "original work of art" shall include a numbered reproduction from a series of no more than 50, which reproduction is individually signed by the artist.

Veterinarian: A person licensed to engage in the practice of veterinary medicine.

Veterinarian's Office: An office which is maintained by a veterinarian for the treatment of animals, and in which no animal is kept overnight.

Veterinarian: Any building or portion thereof which is used, intended to be used, or arranged primarily for treatment of animals by a veterinarian, where overnight care is allowed, and where all areas used for treatment or housing of animals are odor-proofed and sound-proofed.

SECTION 2. *And be it further enacted* That subsection 200.12 be and it is hereby repealed and that new subsections 200.12a and 200.12b be and they are hereby enacted in lieu thereof as follows:

200.12a—Farm and Limited-acreage wholesale flower farm, in accordance with Section 404.

200.12b—Animal boarding place, Class A and Kennel, in accordance with Section 421.

SECTION 3. *And be it further enacted*, That subsection 200.15, Sections 203 and 206, Subsections 209.1, 209.3, 212.1, 212.3, 215.1, 215.5, 230.1, and 230.9, Paragraph 230.12.a, Subsections 230.13, 233.2, 233.4, 236.2, 236.4, 241.1, 248.1, and 248.2, Paragraph 248.4.a,

Section 203—USE REGULATIONS

The following uses only are permitted:

203.1—Uses permitted and as limited in R-40 Zone, except that animal boarding place, Class A and kennel are permitted only as special exceptions.

203.2—Special Exceptions—Same as in R-40 Zone, Section 200.15, except airports, antique shops, and residential art salons, which are not permitted, and except that animal boarding place, Class A and kennel are permitted as special exceptions (see Sections 270 and 502)

Section 206—USE REGULATIONS

The following uses only are permitted:

206.1—Uses permitted and as limited in R-40 Zone, except that animal boarding place, Class A and kennel are permitted only as special exceptions.

206.2—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Animal boarding place, Class A;

Animal boarding place, Class B;

Boarding or rooming houses;

Boat yard;

Cemetery;

Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental;

Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;

Conservatory, music and arts;

Convalescent home;

Excavations, controlled (see Section 403);

Funeral establishment;

Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, park-

ing lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Helistop;

Hospital, Class B (see Section 407);

Kennel;

Laboratory, if on a site of 10 acres or more (see Section 418.4)

Marina;

Poultry, commercial killing of, but only on a farm (see Section 404.2 and 404.6);

Private colleges, nursery or dancing schools, dormitories, fraternity and sorority houses, but excluding business and trade schools;

Public Utility uses other than those noted in Section 200.1 (see Section 411);

Radio studio;

Research Institute, other than those permitted under Section 200.5 (see Section 418.3);

Television studio;

Tourist home;

Trailer Park, conditioned as in Section 414;

Veterinarian's office;

Veterinarian;

Volunteer fire company;

Wireless transmitting and receiving structure, except that: radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or an accessory use if attached to another structure, and, as such, is permitted without a special exception, provided:

(a) that, if it is an accessory structure, it shall be subject to the provisions of Section 400; and further,

(b) that, if it is a rigid-structure antenna, it shall be no higher than 50 feet above grade level and no supporting structure thereof shall be closer than 10 feet to any property line; and, further,

(c) that, it does not extend closer to the street on which the lot fronts than the front building line.

and Sections 253, 255, 256 and 258 be and they are hereby repealed and re-enacted with amendments as follows:

200.15—Special Exceptions; The following use when permitted as Special Exceptions (see Sections 270 and 502):

- Airport;
- Animal boarding place, Class B;
- Antique shop, outside the Metropolitan District Boundaries (see Section 402B);
- Boarding or rooming houses;
- Board yard;
- Cemetery (see Section 401);
- Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and board rental;
- Community building, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;
- Conservatory, music and the arts;
- Convalescent home;
- Conversion of a dwelling into a tea room or restaurant as conditioned in Section 402.
- Excavations, controlled (see Section 403);
- Funeral establishment;
- Golf course, country club or other outdoor recreation clubs; also quasi-public camps including day camps, but no such uses shall be located on less than five acres and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;
- Golf driving range, miniature golf, and baseball batting range;
- Helistop;
- Hospital, Class B (see Section 407);
- Laboratory, if on a site of 15 acres or more (see Section 418.4);
- Marina;
- Poultry, commercial killing of, but only on a farm (see Section 404);

Private colleges, nursery or dancing schools, dormitories, and fraternity and sorority houses, but excluding business and trade schools;

Public utility uses other than those noted in Section 200.11 (see Section 411);

Race track, commercial;

Radio studio;

Research Institute, other than those permitted under Section 200.5 (see Section 418.3);

Residential art salon, outside the Metropolitan District Boundaries (see Section 402C);

Riding stable, commercial;

Sanitary landfill (see Section 412);

Shooting range;

Television studio;

Theatre, drive-in;

Tourist home;

Trailer park;

Veterinarian's office;

Veterinarian;

Volunteer fire company;

Wireless transmitting and receiving structure, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or an accessory use if attached to another structure, and, as such, is permitted without a special exception, provided:

- (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; and further,
- (b) that, if it is a rigid-structure antenna, it shall be no higher than 50 feet above grade level and no supporting structure thereof shall be closer than 10 feet to any property line; and, further,
- (c) that, it does not extend closer to the street on which the lot fronts than the front building line.

209.1—Uses permitted and as limited in R.40 Zone except that animal boarding place, Class A and kennel are permitted only as special exceptions.

209.3—Special Exceptions—Same as R.10 Zone, except animal boarding place, Class B, sanitary land fills, and trailer parks, which are not permitted, and except that antique shops and residential art salons are permitted as special exceptions outside the Metropolitan District (see Sections 402B and 402C).

212.1—Uses permitted and as limited in R.6 Zone except that Animal boarding place, Class A and Kennel are prohibited.

212.3—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502) :

Boarding or rooming houses;

Conservatory, music and the arts;

Convalescent home;

Excavations, controlled (see Section 403) ;

Helistop;

Hospital, Class B (see Section 407) ;

Poultry, commercial killing of, but only on a farm (see Sections 404.2 and 404.6) ;

Private colleges, nursery or dancing schools, dormitories, fraternity and sorority houses, but excluding business and trade schools;

Public utility uses other than those noted in Section 200.11 (see Section 411) ;

Wireless transmitting and receiving structure, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or an accessory use if attached to another structure, and, as such, is permitted without a special exception, provided:

(a) that, if it is an accessory structure, it shall be subject to the provisions of Section 400; and further,

(b) that, if it is a rigid-structure antenna, it shall be no higher than 50 feet above grade level and no supporting structure thereof shall be closer than 10 feet to any property line; and, further

(c) that, it does not extend closer to the street on which the lot fronts than the front building line.

215.1—Uses permitted and as limited in R.6 Zone, except that Animal boarding place, Class A and Kennel are prohibited.

215.5—Special Exceptions—the following uses when permitted as Special Exceptions (see Sections 270 and 502) :

Boarding or rooming houses;

Boat yard;

Commercial beach, with provision of adequate parking area and permitting dressing facilities, snack bar, picnic area and boat rental;

Community building, swimming pool, or other structural land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;

Conservatory, music and the arts;

Convalescent home;

Elevator apartment, buildings or office buildings, including accessory business uses for the convenience of its tenants as conditioned in Section (402A) 402.4;

Excavations, controlled (see Section 403) ;

Funeral establishment;

Golf course, country club, or other outdoor recreation club, also quasi-public camp, including day camps but no such use shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Helistop;

Hospital, Class B (see Section 407) ;

Marina;

Offices and office buildings;

Private Colleges, nursery or dancing schools, dormitories, fraternity and sorority houses, but excluding business trade schools;

Public utility uses other than those noted in Section 200.11 (see Section 411) ;

Wireless transmitting and receiving structure, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator ;

possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or an accessory use if attached to another structure, and, as such, is permitted without a special exception, provided:

- (a) that, if it is an accessory structure, it shall be subject to the provisions of Section 400; and further,
- (b) that, if it is a rigid-structure antenna, it shall be no higher than 50 feet above grade level and no supporting structure thereof shall be closer than 10 feet to any property line; and further,
- (c) that, it does not extend closer to the street on which the lot fronts than the front building line.

230.1—Uses permitted and as limited in the residential zone immediately adjoining except that Animal boarding place, Class A is permitted only as a Special Exception and Kennel is prohibited.

230.9—Alcoholic beverage package store;

Antique Shop;

Automobile accessory shop;

Automobile parking lot;

Bakery, but goods baked on the premises must be sold only at retail on the premises;

Barber and beauty shops, establishments for chiropody and massage;

Billiard and pool rooms;

Bowling Alley;

Candy store, but goods made on the premises must be sold only at retail on the premises;

Clothing and accessory stores;

Dairy products store;

Department Store;

Dressmaking and millinery establishments;

Drug store;

Dry Cleaning establishment, Coin operated, or retail store plant, etc. (As regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations);

Dry Cleaning pick-up station;

Electrical contractors and appliance repair shop;

Florist;

Food Store;

Funeral Establishment;

Furniture and upholstery stores;

Garden shop, with associated outdoor sales area;

Gift Shop;

Hand laundry employing not more than 5 persons;

Hardware store;

Helistop;

Hobby Shop;

Household appliance store;

Jewelry store;

Laundromat or self-service laundry;

Laundry-pick-up station;

Parking lot;

Pet Shop;

Photographic studio;

Picnic grove;

Public utility service center;

Radio shop;

Radio studio;

Residential art salon;

Shoe repair shop;

Social clubs and fraternal organizations;

Sporting goods store;

Stationery store;

Swimming pool;

Tailor Shop;

Tavern;

Television shop;

Television studio;
Variety and dry goods store;
Veterinarian's office;
Veterinarian;

(230.12)

a. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops, or picnic groves within completely enclosed buildings;

230.13—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502);

Animal boarding place, Class A;
Automotive-service station; subject to the provisions of Section 405;
Boat yard;
Car wash;
Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental;
Community building, swimming pool, or other structural or land used devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;
Drive-in restaurant;
Dry Cleaning Plant; (see Section 416);
Excavations, controlled (see Section 403);
Garage, service;
Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;
Golf driving range, miniature golf, and baseball batting range;
Heliport, Type II;
Hotel;
Laboratory;

Living quarters in a commercial building;
Marina;
Motel or motor court;
Public utility uses other than those noted in Sections 200.11 and 230.9 (see Section 411);
Signs, outdoor advertising (see Sections 413.3 and 413.5);
Theatre, excluding drive-in;
Volunteer fire company;
Wireless transmitting and receiving structure.

233.2—Animal boarding place, Class A;

Automobile sales room and adjoining outdoor sales area, provided that dismantled or junked cars unfit for operations on the highways shall not be stored outdoors;

Boat yard;
Bowling alleys;
Carpentry, electrical, plumbing, heating, sheetmetal, electroplating and painting shops;
Clothes cleaning and dyeing where not more than 2 units with combined capacity of not more than 50 pounds are employed;
Commercial beach, with provision of adequate parking area; and permitting dressing facilities, snack bar, picnic area, and boat rental;
Commercial recreation enterprises, including dance halls, skating rinks, and others which—in the judgment of the Zoning Commissioner—are similar, but excluding merry-go-rounds and freak shows, shooting galleries and penny arcades;
Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities, off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;

Garage, service;
Golf course, country club, or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Hotel;
Machinery sales store;
Marina;
Night club;
Pawn shop;
Printing, lithographing, or publishing plant, employing not more than 25 persons;
Second-hand store;
Theatre, excluding drive-in;
Warehouses—sales and storage.

233.4—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502);

Automotive-service station, subject to the provisions of Section 405;
Bus terminal;
Car wash;
Drive-in restaurant;
Excavations, controlled (see Section 403);
Golf driving range, miniature golf, and baseball batting range;
Heliport, Type I;
Heliport, Type II;
Laboratory;
Living quarters in a commercial building;
Motel or motor court;
Public utility uses other than those noted in Sections 200.11 and 230.9 (see Section 411);
Signs, outdoor, advertising (see Sections 413.3, 413.5);
Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception); provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

236.2—Animal boarding place, Class A;
Animal boarding place, Class B;

Bottling establishment, soft drink;
Greenhouse;
Laboratory;
Motel or motor court;
Printing, lithographing, or publishing plant, employing over 25 persons;
Volunteer fire company.

236.4—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502);

Airport;
Amusement park;
Automotive-service station, subject to the provisions of Section 405;
Bus terminal;
Car wash;
Cemetery (see Section 401);
Contractor's equipment storage yard;
Drive-in restaurant;
Excavations, controlled (see Section 403);
Golf driving range, miniature golf, and baseball batting range;
Heliport, Type I;
Heliport, Type II;
Hospital Class B (see Section 407);
Living quarters in a commercial building;
Poultry, commercial killing of;
Public utility uses other than those noted in Sections 200.11, 230.9 and 236.3 (see Section 411);
Race track, commercial;
Riding stable, commercial;
Sanitary landfill;
Shooting range;
Signs—Outdoor, Advertising—(see Sections 413.3 and 413.5);
Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code);

Theatre, drive-in;

Trailer park (see Section 414);

Truck terminal;

Used motor vehicle outdoor sales area, separated from sales agency building;

Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception); provided that, for the purpose of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

211.1—The following uses are permitted, provided their operations are entirely within enclosed buildings except where approval of the development plan indicates otherwise:

Assembly of electrical appliances, electronic instruments and devices, radios and phonographs;

Bakery;

Bank;

Bottling establishment, soft drink;

Cold storage plant;

Heliport, Type II, if located at least 200 feet from a residential zone;

Helistop;

Laboratory;

Manufacture, compounding, packaging, or treatment of candy, cosmetics, drugs, perfumes, and food products;

Manufacture, compounding, electroplating, assembling, machining or other comparable light processing or treatment of articles of merchandise from the following previously prepared materials: carvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as motor vehicle fenders and bodies), light steel or other light metal mesh, pipe, rods, shapes, strips, wire, or similar component parts; sheels, textiles, tobacco, wax, wood and yarns;

Manufacture of musical instruments, precision instruments, clocks, watches, toys, novelties, wrought iron products, rubber or metal stamps, and other small moulded rubber products;

Office and office buildings;

Printing, lithographing, or publishing plant;

Public utility uses;

Research institute;

Warehouse, storage. (Inclusion of wholesale sales area permitted provided it is clearly incidental to the warehouse function).

218.1—Uses permitted in the M.R. Zone, except Heliport, Type II, which may be permitted only as a Special Exception;

248.2—Uses permitted and as limited in the R.40 Zone by Section 200.11, except that Animal boarding place, Class A and Kennel are prohibited;

(248.4)

a. The following uses:

Airstrips;

Automotive-service station, subject to the provisions of Section 405;

Boat yard (including marine railway);

Excavations, controlled (see Section 403);

Heliport, Type II;

Public Utility uses other than those noted in Section 200.11 excluding steam power plant;

Riding stable (commercial), golf driving range, miniature golf, baseball batting range; as interim income-producing uses;

Sanitary landfill;

Volunteer fire company;

Wireless transmitting and receiving structure, except as a minor accessory use or structure (which is permitted without a special exception); provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

Section 253—USE REGULATIONS

The following uses only are permitted, subject to the provisions of Section 253.6:

253.1—Non-residential uses permitted and as limited in B.R. Zone, excluding: pet shop, residential art salon, drive-in theatres, funeral establishments, and the uses permitted in Sections 230.7 and 230.8. As used herein, the word "theatre" is not meant to exclude a tent theatre operated solely as a music fair for the presentation of musical comedies, operettas and legitimate dramatic

productions, during a period not to exceed 120 days between the months of May and September, inclusive, which use is permitted.

253.2—Residential uses as follows:

Dwellings, one-family or two family on lots of record before March 30, 1955, but new subdivisions for residential development are prohibited;

Farm (see Section 401);

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M.L. Zone.

253.3—Uses permitted in M.R. Zone.

253.4—The following (see also Section 255.1):

Assembly of automobiles and airplanes;

Boat yard;

Bus terminal;

Carpet, rug cleaning;

Cleaning and dyeing;

Concrete products, including concrete and/or cinder block manufacture;

Contractor's equipment storage yard;

Creamery;

Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses;

Excavations, controlled, exclusive of those embodying use of explosives (see Section 403);

Grain, processing of, provided equipment is installed for effecting precipitation and recovery of dust;

Heliport, Type I;

Heliport, Type II;

Ice, manufacture of;

Milk pasteurization and distributing stations;

Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code);

Poultry, commercial killing of;

Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code);

Vegetable canning or packinghouse (see also Section 255.1).

253.5—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Automotive-service station, subject to the provisions of Section 405;

Cemetery;

Excavations, controlled, when explosives are used (see Section 403);

Kennel;

Sanitary landfill (see Section 412);

Shooting range;

Signs, outdoor advertising (see Section 413.3);

Trailer Park (see Section 414);

Truck Terminal;

Wireless transmitting and receiving structure, except as a minor accessory or structure (which is permitted without a special exception); provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

253.6—Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, there shall be permitted only passenger-automobile accessory parking and those uses permitted in M.R. Zone, as limited by the use regulations in Section 241.

Section 255—AREA REGULATIONS.

255.1—The area regulations in M.L. Zone shall be the same as those in B. R. Zone unless such B. R. Zone regulations conflict with the provisions of Section 255.2.

255.2—Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, the front, side, and rear yards shall be as required in M.R. Zone (see Sections 243.1, 243.2 and 243.3).

Section 256—USE REGULATIONS

The following uses only are permitted, subject to the provisions of Section 256.5:

256.1—Uses permitted in M.R. Zone, Section 241.1 and in Section 253.4 of the M.L. Zone;

Animal boarding place, Class A;

Animal boarding place, Class B;

Boat Yard;

Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental;

Community building swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;

Golf course, country club or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M. H. Zone;

Marina;

Storage of inflammable liquids and gases underground (for requirements see Baltimore County Building Code);

Veterinarian's office;

Veterinarian;

Volunteer fire company.

256.2—The following uses when located at least 300 feet from any residence zone or 200 feet from any business zone:

Bag cleaning;

Bituminous concrete mixing plant;

Brewing and distilling of beer, ale or liquor, malt manufacture;

Chemical fertilizer manufacture;

Enameling, japanning, lacquering, galvanizing, and plating;

Excavations, controlled, exclusive of those embodying use of explosives (see Section 403);

Gravel, processing of;

Hot rolling mills;

Manufacture of airplanes, automobiles, trailers, trucks, railway cars, locomotives, and other vehicles;

Manufacture of felt and shoddy provided equipment is installed for effective precipitation and recovery of dust; wool pulling and scouring;

Manufacture of pickles, sauerkraut, vinegar, yeast, soda and soda compounds;

Manufacture of structural clay products, babbitt metal and other nonferrous alloys;

Manufacture or processing of meat products, except slaughter houses;

Processing, fabricating, and assembling of metals, including foundries, forging and casting shops, structural steel or pipe works, large stamping shops;

Railroad classification yards and round house;

Sand, processing of;

Sanitary landfill;

Shipbuilding and repair;

Steam power plants;

Stone, crushing and processing of;

Testing of components or equipment manufactured or used in conjunction with heavy manufacturing or assembly;

Truck terminal.

256.3—Any other industrial or manufacturing use, except those listed in Section 256.1, when located at least 1000 feet from any residential zone and at least 500 feet from any B.L., B.M., or M.R. Zone.

256.4—Special Exceptions—the following uses only when permitted as Special Exceptions (see Sections 270 and 502);

Automotive-service station, subject to the provisions of Section 405;

Cemetery;

Excavations, controlled, when explosives are used (see Section 403);

Explosives;

Heavy chemical manufacture;